

# **Lesson 4**

## ***Applications***

The two major elements in the application process are discussed in this lesson:

1. Creation and content of the application
2. Completing and submitting (preparing) the application

### ***Objectives***

At the end of this lesson the student should be able to:

1. Identify what information is required in the application
2. Identify who is responsible for completing the application

### ***Application Design and Content***

Each state designs and issues its federally delegated applications requirements under the regulations approved by the EPA and the state may include additional requirements mandated by that state. As a result permit applications will vary in appearance and content sequence from state to state. Ideally, the design of the application form (which is quite extensive in many states) will guide the permit applicant through the processes necessary to assure the submission of all required information.

The focus of this part of the lesson will be a description of the elements to be included in an application. In some states there are no clearly defined descriptions of what must be included in permit applications other than for the Title V permit application. Therefore, the Title V operating permit program requirements (40 CFR 70.5) will be used as the model for this lesson. Minor source permit programs will generally require less than what is required for Title V, while PSD/NSR programs may require greater detail, depending upon the location and source.

### ***Application Content***

40 CFR 70.5 requires each state's application form(s) to include provisions for the following information:

1. General identifying information such as plant name, owner, location, etc.

2. Description of the source's processes and products.
3. For each emission unit, emission information as needed to determine rates and calculate fees including:
  - a. All emissions of pollutants for which the source is major. Both actual and potential emissions should be included.
  - b. Description of all emissions of regulated air pollutants from any emissions unit.
  - c. Description of all points of emission.
  - d. Emission rates consistent with compliance with requirements. Reference information should be provided (stack tests, AP-42, etc.).
  - e. Fuel information, as necessary to establish emissions.
  - f. Identification of air pollution control equipment and compliance monitoring devices.
  - g. Limitations on source operations.
  - h. Any other information required to determine compliance with applicable requirements (e.g., stack height).
  - i. Calculations on which 3a-h are based.
4. Description and citation of all applicable requirements.
5. Description or reference of each test method for determining compliance with each applicable requirement.
6. Explanation of any proposed exemptions from applicable requirements.
7. Information needed by the agency to evaluate alternative operating scenarios and other flexibility programs.
8. A detailed compliance plan for existing and a commitment to comply with future applicable requirements.
9. A compliance schedule for those requirements for which the source is not in compliance, including periodic submission of certified progress reports.
10. Requirements for compliance certification by the permit applicant which must include:
  - a. Certification with all applicable requirements by a responsible corporate official.
  - b. A statement of methods to determine compliance (including monitoring, recordkeeping, reporting).
  - c. Schedule for periodic compliance certifications.
  - d. A statement indicating the source's compliance with any enhanced monitoring requirements.
11. The use of standardized forms for acid rain requirements.

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## **Compliance (Title V)**

Under Title V, permit applicants must now provide certified compliance statements on a periodic basis, and must promptly self-report any deviations. In addition to reporting changes, there will be a major shift in how compliance is determined, with emphasis being on continuous compliance during any period. Although Title V is not intended to add regulatory requirements to those sources existing prior to the passage of the 1990 CAAA, submission of a compliance plan represents a major increase in information needed with an application.

There are three discrete compliance issues and provisions that arise:

1. Initial compliance plan submitted with permit application
2. Initial compliance certification, submitted with the permit application
3. Periodic compliance certifications and reporting required by the operating permit.

The compliance plan must include:

1. Statements defining current compliance status
2. Statements describing continued compliance maintenance or plans to bring the source into compliance
3. Compliance schedule(s).

The initial compliance certification must include the methods used to determine compliance, including monitoring, reporting, and test methods used. For a new source that is under construction or to be constructed, the applicant must certify the source will comply with all applicable requirements upon startup. If there are applicable requirements prior to startup, such as pre-construction monitoring, the source must also certify those requirements.

Periodic compliance certifications will be required after issuance of the permit.

## **Application Preparation**

Preparation of the permit application is the responsibility of the permit applicant (source). A step that the source should take early in the application process is to contact the issuing agency. At this time the source should inform the agency of the proposed application, determine basic requirements and schedules for the application, and establish communications with appropriate personnel for assistance and advice in the process.

As noted in the previous lesson, the applicant should carefully review the exemptions listing to avoid the unnecessary expenditure of resources where a permit is not required.

Many sources employ outside consultants to provide anything from basic assistance and counseling; to performing the complete permit application process.

In lesson 2, the triggering conditions, the reasons for applying for a permit were described. The causes for applying for a permit are listed below for your review.

- New source applications

- Source reconstruction or modification (permit change)
- Revision or changes to existing permits
- Permit renewals
- Reopening of permits (initiated by permitting authority or EPA)

## ***Review Questions***

1. Which air program is likely to require the least detailed list of application content requirements?
  - a. NSR
  - b. Minor new source review
  - c. Title V
  - d. All of the above
  - e. None of the above
2. When a source submits an initial Title V permit application, the application must include:
  - a. A compliance certification and plan
  - b. All applicable requirements
  - c. Any requirements that are enforceable only by the state
  - d. All of the above
  - e. a and b above
3. A PSD permit application must address which of the following?
  - a. BACT analysis
  - b. Impact on economic growth in the region
  - c. Impacts on soils and vegetation
  - d. The additional cost to the permitting agency to process the application
  - e. a, b and c only
4. Preparation of the permit application is the responsibility of:
  - a. Consultant/contractor employed by the source
  - b. EPA
  - c. The source
  - d. State agency
  - e. a and c above



## ***Review Question Answers***

1. **b.** Minor new source review
2. **e.** a and b above
3. **e.** a, b and c only
4. **c.** The source

